

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2005-091640

10/24/2008

HONORABLE DEAN M. FINK

CLERK OF THE COURT
D. Ganther
Deputy

IN RE THE MATTER OF
STEPHEN MICHAEL BARTON

STEPHEN MICHAEL BARTON
29639 N BALMORAL PLACE
QUEEN CREEK AZ 85243

AND

HEATHER LINES

HEATHER LINES
950 N GILBERT RD
#110
GILBERT AZ 85234

CONCILIATION SERVICES-CCC

TRIAL SETTING

Courtroom CCB 1202

3:45 p.m. This is the time set for Resolution Management Conference. Petitioner, Stephen Michael Barton, is present on his own behalf. Respondent, Heather Lines, is present on her own behalf.

A record of the proceedings is made by CD (FTR) in lieu of a court reporter.

Discussion is held with the Court regarding Father's Motion to Modify Parenting Time and Enforce Order dated 05/02/08, filed August 6, 2008, and Mother's Reply to Petitioner's Motion to Modify Parenting Time and Enforce Order dated 05/02/08, filed September 16, 2008.

The Court has reviewed Father's Motion for Temporary Orders until Resolution Conference on 10/24/2008, filed on September 3, 2008.

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IT IS ORDERED denying Father's Motion for Temporary Orders until Resolution Conference on 10/24/2008.

CONFLICT RESOLUTION

IT IS ORDERED that both parties shall separately attend and complete a High Conflict Resolution class within 60 days of the date of this order. Each party shall call **(602) 506-3296** to register for the class. Each party shall also pay a class fee of **\$50** at the Clerk of Court filing counter, at any Superior Court location, at least 5 days prior to their scheduled class. Each party must bring a copy of the payment or deferral receipt to class. Specific information regarding the date, time and location of the class will be provided when each party calls the above number.

WARNING

IF YOU FAIL TO SCHEDULE AND ATTEND THE CLASS AS ORDERED, YOU MAY BE REQUIRED TO PAY A \$100 NO SHOW FEE. IF YOU CANNOT ATTEND FOR ANY REASON, YOU MUST REQUEST AND BE GRANTED PERMISSION TO RESCHEDULE YOUR ATTENDANCE AT LEAST 24 HOURS BEFORE THE SCHEDULED CLASS. PLEASE CALL THE NUMBER LISTED ABOVE IF YOU NEED TO REQUEST TO RESCHEDULE YOUR ATTENDANCE.

PARENTING CONFERENCE

IT IS ORDERED referring the parties to Conciliation Services for a **Parenting Conference**. The parties shall comply with all instructions and directives issued by Conciliation Services.

IT IS FURTHER ORDERED that immediately following this hearing each party is directed to pay the **\$200 per party** fee at the Clerk of the Court filing counter. After making payment arrangements at the filing counter, each party is required to complete the necessary forms at Conciliation Services and to provide proof of payment or deferral of the fee.

IT IS FURTHER ORDERED that the minor child, Hanna Barton (DOB: 12/10/2004), shall be present at the interview and her interaction with Mother and Father observed.

IT IS FURTHER ORDERED that Father shall ensure that the minor child appear on time for their interview.

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IT IS FURTHER ORDERED that Conciliation Services shall provide the Court with a written report regarding the results of the observation of the child's interaction with the parties as soon as possible.

IT IS FURTHER ORDERED setting the Parenting Conference for **December 11, 2008 at 8:30 a.m.** in Conciliation Services at:

**Maricopa County Superior Court
Southeast Regional Court Center
222 East Javelina, Suite 1300
Mesa, Arizona 85210**

WARNING

IF YOU FAIL TO APPEAR AT THE PARENTING CONFERENCE AS ORDERED, YOU MAY BE REQUIRED TO PAY A \$100 NO SHOW FEE. IF YOU CANNOT ATTEND, YOU MUST REQUEST AND BE GRANTED PERMISSION FROM THE JUDGE IN YOUR CASE TO RESCHEDULE THE CONFERENCE AT LEAST THREE FULL COURT DAYS BEFORE THE CONFERENCE.

TRIAL

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits **at least 75 days prior to trial.**
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed **at least 60 days prior to trial.**
3. Counsel and both parties shall personally meet, face to face, at least ten (10) days prior to trial to conduct settlement discussions, prepare a Joint Pre-trial Statement, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably

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required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

Both parties agree that a trial of two (2) hours is sufficient to resolve all of the remaining issues in this case.

IT IS ORDERED setting Trial to the Court before the Honorable Dean M. Fink on May 13, 2009 at 1:30 p.m. (2 hours allowed) in this Division at:

Maricopa County Superior Court
Central Court Building
201 W. Jefferson
Courtroom 1202
Phoenix, AZ 85003

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS ORDERED that the parties shall file and provide this Division with a copy of a Joint Pretrial Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 business days prior to trial.

IT IS FURTHER ORDERED that the Joint Pretrial Statement shall include:

1. A current Affidavit of Financial Circumstances completed by each party.

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2. If there are disputed custody, access or visitation issues, a specific proposal for custody and parenting time.
3. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
4. If the parties have a natural or an adopted minor unemancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. §25-351 et seq.
5. If there are disputed issues regarding division of property, a current and detailed Inventory of Property and Debts, together with a summary proposal by each party as to how the property and assets should be divided. If possible, the court prefers a one-page statement of all property except personal property items valued at less than \$500 each.
6. If spousal maintenance is requested and disputed, each party shall state the amount and duration of spousal maintenance requested.
7. If division of debts is an issue, the parties shall prepare and exchange a list of all debts, including creditor's name, amount of debt, monthly payment amount, the reason the debt was incurred, who should pay the debt, and all of the information required by A.R.S. §25-318(H).
8. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of Rule 78(D), Arizona Rules of Family Law Procedure.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of trial, or to timely present the Joint Pretrial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED the parties shall deliver any exhibits and an exhibit inventory to the clerk of this division, and not place in the division mailbox, for marking **no later than five Court business days prior to Trial**, not including weekends, holidays or the day of the proceeding. All exhibits presented shall have been exchanged between the parties. Duplicate exhibits shall not be presented. **Absent good cause, any exhibits not submitted at least five (5) business days prior to the Trial may not be accepted and/or marked.**

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IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pretrial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted. At the time of trial all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pretrial Statement shall be summarily admitted.

IT IS FURTHER ORDERED that any party filing a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, shall submit proposed findings of fact and conclusions of law to this Division no later than 20 days prior to trial. Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than 10 days prior to trial.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division five (5) business days before the scheduled hearing.

4:10 p.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.